



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

18/6/98

सं. 8]

नई दिल्ली, शनिवार, अप्रैल 18, 1998/चैत्र 28, 1920

No. 8]

NEW DELHI, SATURDAY, APRIL 18, 1998/CHAITRA 28, 1920

इस भाग में निम्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)

PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union)
Territories)

भारत निर्वाचन आयोग

नई दिल्ली, 27 मार्च, 1998

आ.अ. 22.—निर्वाचन आयोग 4-मुम्बई दक्षिण संसदीय
निर्वाचन क्षेत्र से लोक सभा के लिए श्रीमती जे.एन. मेहता के
निर्वाचन को चुनौती देने वाली, श्री बी.एन. राजपुरोहित द्वारा
दाखिल निर्वाचन अर्जी सं. 1996 की 3 में मुम्बई स्थित उच्च
न्यायालय के तारीख 13 जनवरी, 1997 के निर्णय को लोक प्रति-
निधित्व अधिनियम, 1951 (1951 का 43) की धारा 106
के अनुसरण में इसके द्वारा प्रकाशित करता है।

निर्णय/आदेश अधिसूचना के अंग्रेजी भाग में छपा है।

[सं. 82/महा-लो.स./3/96(मुम्बई)]

आदेश से,
एम. मेहदीराना, प्रधान सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 27th March, 1998

O.N. 22.—In pursuance of Section 106 of the
Representation of the People Act, 1951 (43 of
1951), the Election Commission hereby publishes
the judgement dated 13th January, 1997 of the High
Court of judicature at Mumbai in Election Petition
No. 3 of 1996 filed by Shri B. N. Raipurohit chal-
lenging the election of Smt. J. N. Mehta, to the Lok
Sabha from 4-Mumbai South Parliamentary Consti-
tuency.

IN THE HIGH COURT OF JUDICATURE AT
BOMBAY ORDINARY ORIGINAL CIVIL
JURISDICTION CHAMBER SUMMONS
No. 1255 OF 1996

IN

ELECTION PETITION NO. 3 OF 1996
Bhanwarsingh Narayansingh Rajpurohit of

Bombay, Indian Inhabitant, residing at 702, ANURAG, 9 Banganga Road, Walkeshwar, Bombay-400 006.—Petitioner.

Versus

Jayawantiben Navinchandra Mehta of Bombay, Indian Inhabitant, residing at 23, Purna Building, Pochkhanawala Road, Bombay-400 0018.—Respondent.

Mr. Haresh Jagtiani with Mr. Nitin Pradhan i/b Mr. Bharat Mehta for the Respondent.

Mr. S. D. Vyas with Mr. R. R. Mishra for the Petitioner.

CORAM : K. G. SHAH, J

DATED : January 13, 1997

ORAL ORDER :

1. At the general elections to Lok Sabha from 4, Mumbai South Parliamentary Constituency held on May 7, 1996, the Respondent Jayawantiben Navinchandra Mehta was declared as elected. The Petitioner Bhanwarasinh Narayansingh Rajpurohit has by this Election Petition called the election of the respondent in question and has prayed for a declaration that the respondent's election as aforesaid is illegal, null and void.

2. Inter alia in the election petition, the Petitioner has contended that the respondent-turned candidate and her election agent at the election committed corrupt practices. It is one of the contentions of the Petitioner in the election petition that the respondent-Turned Candidate has committed a corrupt practice of incurring or authorizing of expenditure in contravention of section 77 of the Representation of the People Act, 1951 (for short "the Act"). The other corrupt practice alleged by the petitioner in the election petition is that during the course of the election campaigning, the Respondent-Turned Candidate had appealed to the Electorate to vote for her in the name of and on the ground of her community and language. According to the Petitioner the Respondent is guilty of corrupt practices as would fall within section 123(3) of the Act.

3. The Respondent-Turned Candidate has by this present Chamber Summons requested for dismissal of the election petition at the threshold, for according to her, the election petition does not conform to the mandatory provisions contained that the Act.

4. The Respondent has firstly contended that the election petition inter alia is based on the ground of corrupt practices. Therefore, filing of an affidavit, as contemplated by the proviso appearing at the end of Sub-section (1) of Section 83 of the Act is a mandatory requirement and as the affidavit in that regard filed by the Petitioner and which has accompanied by the petition, does not conform to the requirements of law. Such an affidavit is no affidavit in the eye of law, and therefore, the election petition is liable to be dismissed. Secondly, it is contended by the Respondent that the concise statement of material facts which has been filed by the Petitioner along with the election petition has not been verified as required to be done under the law. There-

fore, it is not a concise statement of material facts in the eye of law, and, therefore, also the election petition is liable to be dismissed. Nextly it is contended by the Respondent that various annexures appended by the Petitioner to the election petition have not been signed by the Petitioner. Therefore, there is breach of Sub-section (2) of Section 83 of the Act, and, therefore, also the Petition is liable to be dismissed.

5. One more contention raised by the Respondent is that the copy of the election petition supplied to her by the Petitioner is not a true copy of the original election petition. Therefore, there is violation of requirements of Sub-section (3) of Section 81 of the Act, and, therefore, also, the election petition is liable to be summarily rejected.

6. I have the learned counsel for the parties. I think, the Chamber Summons should succeed.

7. It is not in dispute before me that the election petition inter alia is based on the allegations of corrupt practices having been committed by the Respondent at the general elections. Under the Proviso appearing at the end of Sub-section (1) of Section 83 of the Act, therefore, the election petition is required to be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof. It is required to be noticed that the affidavit spoken up by this Proviso has obviously to be in support of the election petition itself. Such an affidavit therefore should be in conformity with the election petition itself. If such an affidavit is at variance with the election petition itself, I think, such an affidavit cannot be said to be an affidavit in conformity with the requirements of the Proviso appearing at the end of Sub-section (1) of Section 83 of the Act. In the present case, the affidavit which has been filed by the Petitioner is clearly at variance from and in direct contradiction of the statements in the election petition proper. At the foot of the election petition, the Petitioner has verified the contents of the election petition, and while doing so, he has solemnly declared that what is stated in paragraphs 1 to 14, 17, 18, 20, 21 of the petition is true to his personal knowledge and that what is stated in paragraphs 15, 16, 19 is stated on the basis of information and by way of legal submissions and the Petitioner believed the same to be true. Thus, going by what is stated in the verification at the foot of the election petition, the petitioner solemnly declared that the statements contained in paragraphs 1 to 14 and paragraphs 17, 18, 20 and 21 of the Petition are true to his personal knowledge. Now, if we go to the affidavit, which is filed by the Petitioner, in paragraph (b) of the affidavit, the Petitioner has stated that the statements made in paragraphs 8, 9, 10 and 11 of the accompanying election petition about the commission of corrupt practices of making election expenses in excess of limit prescribed under Section 77 of the Representation of Peoples Act, 1951, are based on information and he believed the same to be true. In paragraph (c) of the said affidavit the petitioner has stated that the statements in a paragraphs of the election petition about the commission of corrupt practice of appealing to the voters in the name of community and language by the Respondent and/or her election agents are based on information and he believed the same to be true. Now, undisputedly, in

the election petition, the allegations about the corrupt practice of appealing to the voters in the name of community and language by the Respondent are contained in paragraphs 12 and 13 of the election petition. Thus, going by what is stated in paragraph (c) of the affidavit, the Petitioner has stated that the statements in those two paragraphs about the corrupt practice of appealing to the voters in the name of community and language by the Respondent and/or her election agents are based on information which he believed to be true. To recapitulate, in the verification at the foot of the election petition, the Petitioner inter alia solemnly declared that what is stated in paragraphs 1 to 14 (and that would include paragraphs 8, 9, 10, 11, 12 and 13) to be true to his personal knowledge. However, in the affidavit, the Petitioner stated that the statements contained in those paragraphs 8, 9, 10, 11, 12 and 13 were based on information and he believed the same to be true. In the affidavit, as regards the statements contained in those paragraphs 8, 9, 10, 11, 12 and 13 are concerned, it is not the case of the Petitioner that those statements are true to his personal knowledge. Thus, not only that what is stated in the affidavit is not in conformity with what is stated in the election petition but it is directly in conflict with what is stated in the election petition. Considering the matter from this angle, it is clear that the affidavit is not an affidavit in support of the election petition. It is, therefore, not an affidavit as required to be made by virtue of Proviso under Sub-section (1) of Section 83 of the Act.

8. The Petitioner along with the election petition has filed the concise statement of material facts. That concise statement is to be found at pages 95 to 99 of the compilation of the election petition. That concise statement, of course, has been signed by the election Petitioner before the Third Assistant Master, High Court, Bombay. However, that concise statement has not been verified as required to be done in compliance of Section 83 of the Act.

9. One more submission on behalf of the Respondent is that the Petitioner has annexed to the election petition various documents as annexures. However, those annexures have not been signed by the Petitioner, and therefore, there is non compliance of Sub-section (2) of Section 83 of the Act. Factually the contention of the Respondent is well founded for the Petitioner has along with the election petition filed a list of documents wherein he has described 12 documents. He has produced documents at Sr. Nos. 1 to 10 of that list along with the petition. Those documents are produced at Exhibits A, B, C—1, C—2, C—3, C—4, C—5, C—6, D and E. Each one of these ten documents, which the Petitioner has filed along with the election petition, is accompanied by a verification on a separate sheet of paper. That verification has been signed by the Petitioner before the Third Assistant Master, High Court, Bombay. However, none of these ten documents enumerated hereinabove has been signed by the Petitioner. In other words, though each one of these ten documents has been verified by the Petitioner, it has not been signed by him. Sub-Section (2) of Section 83 of the Act says that any schedule or annexure to the Petition shall also be signed by

the Petitioner and verified in the same manner as the petition. Thus this statutory requirement requires the Petitioner not only to verify the annexures or schedules annexed to the election petition but also that he should sign them. The language of this statutory provisions clearly shows that the signing of annexures or schedule is distinct from the verification thereof. Of course, while verifying either the election petition or schedules or annexures, the Petitioner is required to sign that verification as per the requirements laid down in the Code of Civil Procedure for the verification of the pleadings. Even clause (c) of Sub-section (1) of Section 83 of the Act makes the position clear that the election petitioner has both to sign and verify the election petition. The same thing would be clear from the bare reading of Sub-section (2) of Section 83 of the Act. Thus, so far as the annexures to the election petition are concerned, the petitioner is required not only to sign them but he has also to verify them. As said above, none of these ten annexures have been signed by the petitioner, and the verification part annexed separately to each of the annexures cannot take place of the requirement of signature on the annexures, because the signature of the Petitioner on the annexures is one requirement while verification thereof is a distinct and separate requirement. If the Legislature intended that if the annexures are verified by the petitioner in the manner laid down in the Code of Civil Procedure for the verification of pleadings that would be sufficient even when the Petitioner has not signed those annexures, the Legislature would not have used the words as it has in Sub-section (2) of Section 83 of the Act. Thus, the annexures to the election petition do not conform to the requirement of Sub-section (2) of Section 83 of the Act.

I may mentioned here that so far as the annexures Exhibits A and B are concerned, at the foot thereof, of course, the Petitioner has put his signatures below the endorsement as true copy. Even if these signatures of the Petitioner at the foot of Exhibits A and B were to be considered to the Petitioner's signatures on the annexures in terms of Sub-section (2) of Section 83 of the Act, then also, so far as the remaining other 8 annexures are concerned, they do not bear the signatures of the Petitioner. Therefore, clearly, so far as these remaining other 8 annexures are concerned, they are not signed by the petitioner and to that extent there is non compliance of Sub-section (2) of Section 83 of the Act.

10. Lastly, it was submitted on behalf of the Respondent-Returned Candidate that the copy of the election petition supplied to the Respondent is not a true copy of the original. The Respondent has filed along with her affidavit in support of the Chamber Summons one of the two copies of the election petition served upon her. In paragraph 7 of the affidavit, the Respondent has contended that the copies of the election petition served upon her do not mention the name of the Oath Administering Officer of this Hon'ble Court and the date of the signatures at various pages mentioned in that paragraph in the affidavit. Here again, the Respondent is right. On various pages such as 16, 23, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 91-D, 94, 99 and 101 of the original election petition. We find that in relation to the signatures of the petitioner there is

an endorsement "before me". That endorsement purports to have been signed by the Third Assistant Master, High Court, Bombay. That officer has on each of the aforesaid pages, by the side of his signature, below the aforesaid endorsement, put the date "24/6". However, in the copy of the election petition served upon the Respondent, on none of the pages, corresponding to the aforesaid pages, we find either the name of the Third Assistant Master, High Court, Bombay or the date of the endorsement thereon. On those pages what we find is as follows:

Sd/-
3rd Master,
High Court,
Bombay."

Thus, it is clear that on each of the aforesaid corresponding pages in the copy of the election petition served upon the Respondent what is stated is that the signature of the petitioner on those pages was made before the 3rd Master, High Court, Bombay. Whereas, in the original, it appears that the signature of the petitioner on those pages was made before the Third Assistant Master, High Court, Bombay. Thus, there is a clear discrepancy and variance between what is stated on the aforesaid pages of the original election petition as compared to what is stated on the corresponding pages in the copy of the election petition served upon the Respondent. In the endorsement on the aforesaid pages on the copy of the election petition, it is not stated that the signature of the Petitioner on those pages was made before the Third Assistant Master, High Court, Bombay. What is stated therein is that the signature of the petitioner on those corresponding pages was made before the 3rd Master, High Court, Bombay. The Respondent would certainly be at a loss to understand as to whether the Petitioner's signatures on those corresponding pages, were made before the Third Assistant Master, High Court, Bombay or whether such signatures were made before the 3rd Master, High Court, Bombay. The omission of the word 'Assistant' in this endorsement, in my opinion, is a material omission which would very likely mislead the Respondent in finding out as to before whom actually the Petitioner had put his signatures on the aforesaid pages of the original election petition. Secondly, the Respondent would not be in a position to find out as to who was the officer before whom the Petitioner had put his signature on the aforesaid pages in the election Petition. The Respondent would also be at a loss to understand the date on which the endorsement of the Court Officer was made. These are material omission and variation in the endorsement, in the copy of the election petition as compared to the original election petition. The submission on behalf of the Respondent is that those discrepancies and omissions would render the copy of the election petition served upon the Respondent not to be a true copy of the original election petition, and thus, there is a clear infringement of Sub-section (3) of Section 81 of the Act.

11. The submission of the Respondent deserves to be accepted. This Court in a recent judgment on Chamber Summons No. 880 of 1996 in Election Petition No. 1 of 1996 has upheld almost similar con-

tention that was raised in that matter. In that judgment, this Court had derived sustenance from the judgment in the case of Dr. (Smt.) Shipra V. Shanti Lal Khoiwal, reported in AIR 1996 S.C., 1691. In that case also, in the original election petition at the relevant pages, there appeared the signature of some officer of the High Court and the officer had put the date of signature as well. While in the copy of the election petition served to the Returned Candidate not only that no signature of the officer was indicated but his name also was not indicated and the date of the signature was also not indicated. Following the decision in the case of Dr. (Smt.) Shipra (Supra), this Court in that case held that the discrepancies between the original election petition and the copy of the election petition were vital, and those discrepancies rendered the copy of the election petition served upon the Respondent in that case not to be a true copy of the election petition. It is not necessary for me to go into detailed observations of this Court in that case nor is it necessary for me to refer to the observations of the Supreme Court in the case of Dr. (Smt.) Shipra (Supra). After having compared the original election petition in the present case with a copy thereof served upon the Respondent of the present case, I am convinced that on account of omissions and discrepancies, as aforesaid, in the copy of the election petition served upon the present Respondent that copy cannot be filed to be a true copy of the election petition, and therefore, there is a clear infringement of Sub-section (3) of Section 81 of the Act. On that score alone, if not, on any other, the present election petition is liable to be dismissed under Section 86(1) of the Act.

12. Secondly, as indicated hereinabove, there are various features of the matter which render the election petition as not being in conformity with the various provisions of Section 83 of the Act. I have adverted to those features earlier in the judgment. In the case of Dr. (Smt.) Shipra (Supra), at paragraph 12 of the report, their Lordships have clearly held that Sections 81, 83(1)(c) and 86 read with Rule 94-A of the Rules and Form No. 25 are to be read conjointly as an integral scheme. So read, it would lead to this that : if on the facts, the election petition does not conform to the requirements of Section 83(1)(c) of the Act, at the minimum, it has got to be said that the copy of the election petition served upon the Respondent would not be the true copy of the election petition which should conform to the requirement of Section 83 of the Act, and in that view of the matter, the election petition would be liable to be dismissed. Therefore, even on the second aspect of the matter, I think, because of the non compliance of Section 83 of the Act, the election petition is liable to be dismissed. At any rate, as the copy of the election petition served upon the Respondent is not a true copy of the original, as indicated hereinabove, there is an infringement of Section 83(1) of the Act which would render the election petition liable to be dismissed under Section 86(1) of the Act.

13. In the result, the Chamber Summons succeeds. The election petition is dismissed under Section 86(1) of the Act. A copy of the judgment be sent to the

Election Commission of India and the Speaker of the Parliament as required under Section 103 of the Act.

14. There shall be no order as to costs. The amount deposited by the Election Petitioner in this Court shall be returned to the Election Petitioner.

15. Issuance of certified copy be expedited.

[82/MT-HP/3/96(Mumbai)]

By Order,
S. MENDIRATTA, Principal Secy.

आदेश

नई दिल्ली, 7 अप्रैल, 1998

आ.अ. 23.—निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश राज्य से लोक सभा के लिए साधारण निर्वाचन में 9-सम्भल निर्वाचन क्षेत्र से निर्वाचन लड़ने वाले अभ्यर्थी श्री विजय कुमार, 468/6 मिबिल लाइन्स, औद्योगिक, बुलन्दशहर, उत्तर प्रदेश को लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है।

और उक्त अभ्यर्थी ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में श्री विजय कुमार को संसद के किसी भी

सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिस्त घोषित करता है।

[सं. 76/उ.प्र.-लो.स./96]

आदेश से,

एल.एच. फारूकी, सचिव

ORDER

New Delhi, the 7th April, 1998

O.N. 23.—Whereas, the Election Commission is satisfied that Shri Vijay Kumar, 468/6 Civil Line, Ansik, Bulandshahr, Uttar Pradesh a contesting candidate at the General Election to the House of the People in the State of Uttar Pradesh from 9-Sambhal constituency has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and the rules made thereunder;

And, whereas, the said candidate has not furnished any reason or explanation for the said failure even after due notices and the Election Commission is thus satisfied that he has no good reason or justification for the said failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares Shri Vijay Kumar to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order:—

[No. 76/UP-HP/96]

By Order,
L. H. FARUQI, Secy.

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अप्रैल, 1998

आ.अ. 24.—निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तम्भ (2) में यथा विनिर्दिष्ट उड़ीसा विधान सभा के उप निर्वाचन के लिए जो स्तम्भ (3) में विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है स्तम्भ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (5) में यथा दक्षित अपने निर्वाचन व्ययों का लेखा अपेक्षित रीति से दाखिल करने में असफल रहा है ;

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर, यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, निर्वाचन आयोग लोक प्रतिनिधित्व अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तम्भ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्यसंघ राज्य-क्षेत्र की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिस्त घोषित करता है :—

सारणी

क्र. सं. निर्वाचन का विवरण	विधान सभा निर्वाचन क्षेत्र की क्र. सं. और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरर्हता का कारण
1	2	3	4
1. उड़ीसा विधानसभा का साधारण निर्वाचन 1995	102—बल्लीगुडा (अ. ज. जा.)	श्री घनश्याम बुढाईक गांव सिलेइमल, पो. आ. नारायण प्रसाद जिला : बौध (उड़ीसा)	निर्वाचन व्ययों का कोई भी लेखा वाखिल करने में असफल रहे।
2. ---वही---	102—बल्लीगुडा (अ. ज. जा.)	श्री बसंत कुमार मोसी, स्थान पो. आ. घंटापाड़ा, थाना कंटामल, जिला : बौध (उड़ीसा)	---वही--- लेखा वाखिल करने में असफल रहे।
3. ---वही---	---वही---	सरासिला प्रधान गांव-रायबंजा, पो. आ. सरामिकेटा, जिला बंधामल (उड़ीसा)	---वही---
4. ---वही---	103—उदयगिरि (अ. ज. जा.)	श्री जूनस प्रधान मु. लाइमपोड़ा (पक्की) जिला : कोण्डहामल (उड़ीसा)	---वही---
5. ---वही---	105—बौध	श्री अनादि बावी गांव उड़हिलिका, पो. आ. जुराममुंहा जिला : बौध (उड़ीसा)	---वही---
6. ---वही---	---वही---	श्री मंजूलता महापात्र, मु. पो. आ. गुंडलिया जिला : बौध (उड़ीसा)	---वही---
7. ---वही---	64—दासपरुला	श्री किशोर कुमार पाणिग्राही, मु. इन्दीपाटा, पो. आ. किशोर प्रसाद, जिला नयागढ़ (उड़ीसा)	---वही---
8. ---वही---	---वही---	श्री रबिनारायण नायक, मु. पो. आ. मध्याखांडा, जिला : नयागढ़, (उड़ीसा)	---वही---
9. ---वही---	---वही---	श्री खेजाबासी सेठी, मु. पो. जगन्नाथ प्रसाद, जिला : नयागढ़, (उड़ीसा)	---वही---

[सं. 76/उड़ीसा-वि. स./98]

आदेश से,
बी.एन. बाबला, सचिव

ORDER

New Delhi, the 7th April, 1998

O. N. 24.—Whereas, the Election Commission is satisfied that each contesting candidate specified in column (4) of the Table below at the General Bye-Election to the Orissa Legislative Assembly held in 1995 from the Assembly Constituency as specified in column (3) against his/her name has failed to lodge an account of his/her election expenses or in the manner required by the law as shown in column (5) of the said Table as required by the Representation of the People Act, 1951 and the Rules made thereunder ;

And, whereas, the concerned candidate has either not furnished any reason/explanation for the said failure even after due notice and the Election Commission, after considering the representation, if any made by him/her is satisfied that he/she has no good reason or justification for the said failure ;

Now, therefore, in pursuance of Section 10A of the Rep. of People's Act, 1951 the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.

Table

Sl. No.	Particulars	Sl. No. & Name of Constituency	Name & address of candidate	Reason for disqualification
1.	2.	3.	4.	5.
1.	General Election to the Orissa Legislative Assembly 1995	102-Balliguda (ST)	Sh. Ghanasyam Budaik, Vill—Sileimal, P.O. : Narayana-Prasad, Dist : Boudh, (Orissa).	Failed to lodge as account of election expenses.
2.	-do-	102-Balliguda (ST)	Sh. Basanta Kumar Majhi, As/P.O. : Ghantapada, P.S.—Kantamal, Dist. Boudh, (Orissa).	-do-
3.	-do-	102-Balliguda (ST)	Sarasil Pradhan, Vill.—Raibanja, P.O. : Sraniketa, Dist : Kandhamal, (Orissa).	-do-
4.	-do-	103-Udayagiri (ST)	Sh. Junas Pradhan, AT—Linepoda (Padami), P.O.—Greenubadi, Dist : Kondhamal, (Orissa).	-do-
5.	-do-	105-Boudh	Sh. Anadi Badi, Vill.—Uduhilika, P.O. : Juramunda, Dist : Boudh, (Orissa).	-do-
6.	-do-	105-Boudh	Sh. Manjulata, Mahapatra, At/P.O. : Gundulia, Dist : Boudh, (Orissa).	-do-

1.	2.	3.	4.	5.
7.	Bye-Election to the Orissa Legislative Assembly 1997	64-Daspalla	Sh. Kishore Kumar, Panigrahi, At : Indipata, PO : Kishoreprasad, Dist : Nayagarh, (Orissa).	Failed to lodge any account of election expenses.
8.	-do-	64-Daspalla	Sh. Rabinarayan Naik, At/PO : Madhyakhanda, Dist : Nayagarh, (Orissa).	-do-
9.	-do-	64-Daspalla	Sh. Khetrabasi Sethy, At/PO : Jagannathprasad, Dist : Nayagarh, (Orissa).	-do-

[No. 76/OR-LA/98]

By Order,
B. N. CHAWLA, Secy.